

UNITED STATES MAGISTRATE

NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE Morris L. Bradford U. S. Court House, Tulsa, Oklahoma
(Name of magistrate) (Address)

72-CR-83
MAGISTRATE'S
DOCKET No. 1 CASE No. 289
THE UNITED STATES
vs.
RUBEN SANCHEZ-CHAVEZ
LETICIA OCHOA SANCHEZ
ERIC MEDINA-FLORES

Complaint filed on April 25, 19 72, by James Crenshaw
Official title U.S. Customs Service, charging violation of
United States Code, Title 21, Section 952(a), on April 22 &
23, 19 72, at Interstate 44 in the
division of the Northern district of Oklahoma
as follows: Did knowingly and intentionally import
approximately 248 pounds of marihuana into the
Customs territory of the United States from
Mexico

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date April 25, 1972 Warrant/~~Summons~~ for Ruben Sanchez-Chavez, Leticia Ochoa
Sanchez, Eric Medina-Flores (Name of defendant)
to (name and title of officer) U. S. Marshal or any other authorized person
Substance of return _____

Date _____ Warrant/Summons for _____
(Name of defendant)
to (name and title of officer) _____
Substance of return _____

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO MAGISTRATE:

Date April 25, 1972 Arrested by _____ on warrant of _____
(Name of issuing officer)
Appearances { for United States Ben F. Baker (Name) _____ without warrant.
for accused None (Name) _____ Tulsa, Oklahoma (Address)
Proceedings taken Defendants appeared in person and were advised in Spanish by
(Here insert with dates, when appropriate, a seriatim account of essential steps taken at hearing such as "complaint prepared,"

U.S. Customs Service Agent of their right to counsel. Each defendant waived
if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived"
counsel for this hearing and upon executing Affidavit of Financial Status, Ray H.

Wilburns was appointed to represent them. Defendants were advised of the charges
filed against them as contained in Complaint, of their right to bail and right to
a preliminary hearing. Bail was fixed at \$10,000 cash or surety on Ruben Sanchez-
Chavez and Eric Medina-Flores and \$5,000 cash or surety on Leticia Ochoa Sanchez.
Preliminary hearing was set for May 10, 1972 at 9:30 A.M.

Outcome Defendants remanded to custody of U. S. Marshal in lieu of bond

Bail fixed April 25, 19 72 Amount, \$ _____ Bonded _____, 19 _____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19 _____ [or] by surety
(name) _____ Address _____
(name) _____ Address _____, who
justified by affidavit dated _____, 19 _____, [or] committed to _____
on _____, 19 _____

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

_____, 19____, for (name of witness) _____
at request of (name of party) _____
Substance of return _____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date _____ Appearances for _____

United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

_____, _____
_____, _____
_____, _____
_____, _____

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken _____

INDICTED BY GRAND JURY ON MAY 3, 1972

Outcome _____
Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____
Certified to be a correct transcript.
Made this _____ day of _____, 19____
Transmitted to Clerk of United States District Court for the _____ Northern
district of _____, May 4, 1972

M. B. [Signature]
United States Magistrate.

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. 1 RUBEN SANCHEZ-CHAVEZ, (22) 2 LETICIA OCHOA SANCHEZ, (19) 3 ERIC MEDINA-FLORES (21)	For U. S.: Ben F. Baker For Defendant: Ray Wilburn (Appt) Beacon Bldg., Tulsa 74103 584-6458

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 5-31-72 1-2-73 Suppl. 72000 1 Change 11-1-73 reopen Sanchez-Chavez 1-1-74 - Close Title Suppl Sanchez Chavez Sec.	Clerk Marshal Docket fee 21 952(a); 841(a) (1)				
(2 Counts)					

DATE	PROCEEDINGS
5-3-72	Indictment, filed in open court. hm
5-3-72	Record vote of the grand jury, filed in open court. hm
5-9-72	Deft's each appear in person and are represented by Ray Wilburn, appt. counsel. Govt. rep. by Ben F. Baker. Deft's acknowledge receipt of Indictment and waive reading. Defendants are arraigned, and def. Ruben Sanchez-Chavez enters plea of NOT GUILTY as to Cts. 1&2. Def. Leticia Ochoa Sanchez enters plea of NOT GUILTY as to Cts. 1&2. Def. Eric Medina-Flores enters plea of NOT GUILTY as to Cts. 1&2. Defts each given 10 days to file motions, and Case set on May 22, 1972 jury docket. Defts each remanded to U.S. Marshal. (AEB-JOh
5-16-72	Motion to Dismiss and Motion to suppress the evidence w/Brief in support of Motion to Dismiss and Motion to Suppress the Evidence, filed. r
5-22-72	It is ordered that this case is transferred to Judge Luther Bohanon for J/trial. (AEB-J)h
5-22-72	Hearing held on defts' motion to dismiss and motion to suppress the evidence. Testimony given by deft. witnesses. Arguments made. Court overrules motion to dismiss and motion to suppress. Deft's oral motion (over)

DATE	PROCEEDINGS
	to sever deft. Flores from other 2 defts. is overruled. Case set for jury trial as to all defts. at 9:00 a.m. May 23, 1972. Govt. to prepare order on hearing. (LB-J)hm
5-23-72	Order on deft's motion to suppress and motion to dismiss, filed, that each are overruled as to each deft. (LB-J)hm
5-23-72	Case tried to a jury May 23rd & 24th. Defts. each present and represented. Jury returns on May 23rd at 7:20 p.m. with verdict of <u>not guilty</u> as to deft. Leticia Ochoa Sanchez and with verdict of <u>guilty</u> as to deft. Eric Medina-Flores on Cts. 1&2. Deft. Flores remanded to custody of U.S. Marshal; deft. Leticia Sanchez acquitted and released from custody of U.S. Marshal. Jury unable to reach a verdict as to deft. Ruben Sanchez-Chavez on 5-23-72 and ordered to return on 5-24-72 at 9:30 A.M. to continue deliberations. (Before commencement of trial, Deft. Flores requests to waive trial by jury & request overruled; oral motion of deft. Flores for severance is renewed & overruled). 9:30 A.M., May 24, 1972: Jury all present & continue deliberations as to deft. Ruben Sanchez-Chavez. (2:00 P.M.) Jury returns to courtroom & Foreman announces they are unable to reach a verdict as to deft. Ruben Sanchez-Chavez. Court declares a mistrial & case to be tried to another jury panel. Jury excused & discharged. Court states bond for deft. Sanchez-Chavez shall remain at \$10,000.00. Deft. remanded to cust. of U.S. Marshal. (LB-J)hm
5-23-72	Verdict as to deft. Leticia Ochoa Sanchez, filed in open court, finding the deft. not guilty as to each of Cts. 1 & 2. hm
5-23-72	Verdict as to deft. Eric Medina-Flores, filed in open court, finding the deft. guilty as to each of Cts. 1 & 2. hm
5-23-72	Order for disposition of govt's exhibits pending appeal, filed, that Clerk shall retain one package of the marijuana admitted into evidence & the balance of the marijuana contained in pltf's exhibits 2,3,4,5&6 be returned forthwith to U.S. Customs Officers for disposition. (LB-J)hm
5-24-72	Receipt for govt's exhibits, filed, acknowledging receipt from Clerk of govt's exhibits 2,3,4,5&6, of Asst.U.S. Atty. hm
5-24-72	Order for transportation expense and per diem, filed, that U.S. Marshal provide deft. Leticia Ochoa Sanchez a one-way bus ticket to Laredo, Texas, & furnish her with per diem travel expense for 2 days, a sum of \$10.00. (MLB-Mag)hm (Two c/c to U.S. Marshal)
5-24-72	Instructions of the Court, filed in open court. hm
5-24-72	Exhibits, filed. (Pltf's exhibit 2,3,4,5&6 in vault - One package of marihuana substituted for the 5 large boxes per order)hm
5-23-72	Judgment, filed and entered, that deft. <u>Leticia Ochoa Sanchez</u> is not guilty and is discharged. (LB-J)hm (copies mailed)
5-30-72	Deft's motion in arrest of judgment of guilty, filed (by deft. Eric Medina-Flores)
5-30-72	Brief in support of motion in arrest of judgment of verdict of guilty, filed. hm
6-20-72	Request of def. <u>Medina-Flores</u> for sentencing, filed. rm
6-21-72	Appl. of def. Sanchez-Chavez for permission to withdraw all of his exhibits, filed. rm -
6-21-72	Case set for sentence as to deft. Eric Medina-Flores and for hearing on

(continued)

DATE	PROCEEDINGS
	to
	deft. Sanchez-Chavez's application/withdraw exhibits on 7-6-72 at 9:30 a.m. (LB-J)hm
7-6-72	Defts. Ruben Sanchez-Chavez and Eric Medina-Flores present and represented. Deft. <u>Chavez</u> 's application to withdraw exhibits sustained in part/overruled in part. Court allows withdrawal of selective service card (Pltf's #1) and birth certificate of deft. (deft's #3. <u>Order signed and filed in open court allowing withdrawal.</u> Deft. <u>Eric Medina-Flores</u> 's motion in arrest of judgment of guilty overruled. Deft. Flores & counsel asked if they have anything to say before sentence is passed. Judgment and Sentence - <u>Eric Medina-Flores</u> Atty. Gen. - Ct. 1 - Five (5) Years Atty. Gen. - Ct. 2 - Five (5) Years, to run concurrent with sentence imposed in Ct. 1. Deft. Flores announces intention to appeal & Mr. Wilburn directed to perfect appeal for deft. Court fixes no supersedeas bond. Deft. remanded to custody of U.S. Marshal. (LB-J)hm
7-6-72	Judgment and Commitment as to deft. <u>Eric Medina-Flores</u> , filed and entered. (LB-J)hm
7-6-72	Two c/c of J&C delivered to U. S. Marshal. hm
7-6-72	Notice of appeal by <u>Eric Medina-Flores</u> , filed. cpy to USCA & US Atty.g
7-6-72	Affidavit to appeal in forma pauperis, <u>Flores</u> Order of Court granting leave, filed. g <u>Eric Medina-Flores</u>
8-7-72	Order for transcript/at cost of govt., filed. (LB-J)rm - copy to Frank Sickles, Ben Baker, Asst. U.S. Atty, and Ray Wilburn, def. counsel)
8-8-72	Case set for hearing on a plan of disposition as to deft. <u>Ruben Sanchez-Chavez</u> on Wednesday 8-30-72 at 9:30 a.m. (LB-J)hm
8-9-72	Return on J&C filed. Executed by delivering defendant <u>Eric Medina-Flores</u> to Tulsa County Jail on 7-6-72, and on 7-22-72, delivering him to Federal Correctional Institution at Texarkana, Texas. ds
8-11-72	Order extending time to file and docket appeal (<u>Medina-Flores</u>) to 10/2/72. (LB-J)rm - copies to U.S. atty., USCA, and R.Wilburn)
8-30-72	Hearing held on plan of disposition as to deft. <u>Ruben Sanchez-Chavez</u> . Govt. counsel present; deft. not present & not represented. Govt. counsel asks Court to set case for jury trial & Court states that case will be set for jury trial in approx. 2 weeks. (LB-J)hm
8-31-72	Case set for jury trial 9-21-72 at 9:30 a.m. (LB-J)hm (as to deft. <u>Ruben Sanchez-Chavez</u>)
9-6-72	Petition for writ of habeas corpus ad testificandum, filed. hm
9-8-72	Order granting writ of habeas corpus ad testificandum, filed. (LB-J)hm
9-8-72	Writ issued. hm
9-8-72	Deft. <u>Ruben Sanchez-Chavez</u> ' motion to produce transcript of testimony, filed. hm
9-13-72	Transcript (orig + 1 cpy) of hearing on motions 5-22-72, trial on 5-23-72, motions & sentencing 7-6-72, filed. g

(over)

DATE	PROCEEDINGS
9-13-72	Letter dated 9-12-72 from LB to deft. counsel, Ray H. Wilburn, sending him transcript requested in motion, filed. (LB-J)hm
9-13-72	Petition for writ of habeas corpus ad testificandum as to Leticia Ochoa Sanchez, filed. hm
9-18-72	Order granting writ of habeas corpus ad testificandum at to Letiticia Ochoa Sanchez, filed. (LB-J)hm
9-18-72	Writ issued for Leticia Ochoa Sanchez. hm
9-18-72	Deft's application for govt. to pay costs and witness fees, filed. hm
9-21-72	Order, filed, that costs in subpoenaing Leticia Ochoa Sanchez shall be paid by govt. (LB-J)hm (copies mailed)
9-21-72	Jury trial held/9-21-72 & 9-22-72. Parties announce ready for trial. Mr. DeLeon, Interpreter, sworn. Stipulation made as to testimony of Joe Norton, Chemist, & as to weight of marihuana exhibits. Deft. asks for reconsideration on motion to suppress & Court again denies motion. By agreement of counsel, the evidence offered in first trial on motion to suppress is incorporated & made a part of this record. Jury retires to deliberate at 6:11 P.M. 9-22-72 and returns with verdict at 7:35 p.m. Verdict ordered received, read & recorded. Jury finds deft. guilty as to Cts. 1&2. Jury polled & discharged. Bond to remain at \$10,000.00 and deft. remanded to custody of U.S. Marshal to await sentencing. Govt. requests withdrawal of govt. ex. 2,3,4,5&6 & Ct. orders order to be drawn. (LB-J)hm
9-22-72	Instructions to the Jury, filed in open court. (LB-J)hm
9-22-72	Verdict, filed in open court, finding the deft. Ruben Sanchez-Chavez guilty as charged in Ct. 1 & 2 of the indictment. hm
9-26-72	Appeal record for <u>Eric Medina-Flores</u> (2 vols.), orig. + 3 cpies, sent to USCA. g
9-25-72	Marshal's return on one (1) subpoena to testify, ^{and subpoena ticket (USM\$3.44)} filed. rm (USM\$2.00)
9-27-72	Notice of appeal by <u>Ruben Sanchez-Chavez</u> , filed. cpy to USCA & US Atty.g
10-4-72	Case set for sentence of Ruben Sanchez-Chavez 10-16-72 at 9:00 a.m.(LB-J)hm
10-16-72	Deft. Ruben Sanchez-Chavez present and represented. Deft. and counsel asked if they have anything to say before sentence is passed. Judgment and Sentence - <u>Ruben Sanchez-Chavez</u> Ct. 1 - Atty. Gen. - Five (5) Years Ct. 2 - Atty. Gen. - Five (5) Years, to run consecutive to sentence imposed in Count One. Govt. counsel requests removal of marihuana to Bureau of Narcotics and Court orders marihuana to be kept by govt. counsel, with one brick retained by Clerk. Court directs deft. counsel to file another notice of appeal as to Ruben Sanchez-Chavez. (LB-J)hm
10-16-72	Judgment and Commitment as to deft. Ruben Sanchez-Chavez, filed and entered. (LB-J)hm
10-16-72	Two c/c of J&C delivered to U.S. Marshal. hm
10-19-72	Notice of appeal (Sanchez-Chavez), filed.rm(copies to U.S.C.A., Wilburn, Baker, and Frank Sickles)

DATE	PROCEEDINGS
11-16-72	Marshal's return of service of writ of hc ad testificandum, filed. rm
11-27-72	Order extending time to docket appeal to Jan. 16, 1973, filed. (LB-J)g (Cpies to USCA, Wilburn & Ban Baker)
12-4-72	Petition for Writ of Habeas Corpus Ad Prosequendum, as to Deft. <u>RUBEN SANCHEZ-CHAVEZ</u> , filed. v
12-4-72	Order Granting Writ of Habeas Corpus Ad Prosequendum, as to Deft. <u>RUBEN SANCHEZ-CHAVEZ</u> , filed. v -writ issued.
12-4-72	Petition for Writ of Habeas Corpus Ad Prosequendum, as to Deft. <u>ERIC MEDINA-FLORES</u> , filed. v
12-4-72	Order Granting Writ of Habeas Corpus Ad Prosequendum, as to Deft. <u>ERIC MEDINA-FLORES</u> , filed. v Writ issued.
12-4-72	Case set for sentence under Rule 35 as to defts. Ruben Sanchez-Chavez and Eric Medina-Flores on 12-14-72 at 9:00 A.M. (LB-J)hm (notices mailed)
12-14-72	Case called for sentence under Rule 35 of defts. <u>Ruben Sanchez-Chavez</u> and <u>Eric Medina-Flores</u> . Defts. each present and represented. Defts. each asked if they have anything to say. Court corrects sentence of each deft. heretofore entered and orders that each deft. is sentenced to a special parole term of not less than two years, in addition to the term heretofore imposed, pursuant to T. 21, Sec. 841(b). Deft. counsel makes oral request for reduction of sentence as to Ruben Sanchez-Chavez and Court states question will be considered upon receipt of Mandate from USCA. (LB-J)hm
12-14-72	Supplemental J&C as to deft. Ruben Sanchez-Chavez, filed and entered, sentencing deft. to custody of Atty. Gen.: Ct. 1 - Five (5) Years Ct. 2 - Five (5) Years, to run consecutive to sentence imposed in Count One. It is further adjudged that deft. is sentenced to a special parole term of not less than 2 yrs, pursuant to T. 21, Sec. 841(b). (LB-J)hm
12-14-72	Supplemental J&C as to deft. Eric Medina-Flores, filed and entered, sentencing deft. to custody of Atty. Gen.: Ct. 1 - Five (5) Years Ct. 2 - Five (5) Years, to run concurrent with sentence imposed in Count One. It is further adjudged that deft. is sentenced to a special parole term of not less than 2 yrs., pursuant to T. 21, Sec. 841(b). (LB-J)hm
12-14-72	C/C of Supplemental J&C's on Sanchez and Medina delivered to U.S. Marshal.hm
1-4-73	Marshal's return on service of writ of hc ad prosequendum, filed; and Marshal's return on service of supplemental J&C, filed. rm
1-8-73	Transcript of proceedings at trial and sentencing of Ruben Sanchez-Chavez, filed. (orig. + 2 cpies)g
1-15-73	Appeal record (orig. and 3 copies) in two volumes, sent to USCA. rm

(over)

DATE	PROCEEDINGS
1-29-73	Return on Writ of Habeas Corpus Ad Prosequendum filed. Executed by delivering dft. Eric Medina-Flores from LaTuna FCI, Anthony, N.M., to Tulsa, Okla. on 12-8-72.jj
1-29-73	Return on Writ of Habeas Corpus Ad Prosequendum filed. Executed by delivering deft. Ruben Sanchez-Chavez from USP at Terre Haute, Ind. to Tulsa, Okla. on 12-12-72, and returning same to USP at Terre Haute, Ind. on 1-12-73.
1-29-73	Return on Supplemental Judgment and Commitment of deft. Ruben Sanchez-Chavez filed. Executed by delivering deft. Chavez to USP, Terre Haute, Ind. on 1-12-73.jj
5-25-73	Motion of Deft. Eric Medina-Flores pursuant to Rule 35, filed. jj
5-31-73	Mandate and Opinion of USCA, affirming judgment of 7/6/72, filed and spread of record. rm
6-6-73	Appeal record recd. from USCA (2 vols. and 1 suppl. vol.) rm
7-11-73	Case stricken from motion docket of 7-19-73, to be reset on next motion docket. (LB-J)hm
8-27-73	Hearing held on deft. Eric Medina-Flores' motion for reduction of sentence. Deft. not present but represented; govt. represented. Motion is granted and sentence is reduced to be served under provisions of 18 USC 4208(a)(2). Govt. counsel to prepare order. (LB-J)hm
8-27-73	Order modifying judgment and sentence, filed and entered, sentencing <u>Eric Medina-Flores</u> to 5 yrs. on Ct. 1; 5 yrs. on Ct. 2, to be served concurrently with sentence in Ct. 1, and special parole term of 2 yrs. is ordered served under provisions of 18USC 4208(a)(2), & deft. may become eligible for parole at such time as Bd. of Parole may determine. (LB-J)hm (copies to counsel; c/c to Warden, FCI, La Tuna, Texas)
10-17-73	Mandate and judgment of USCA, re SANCHEZ-CHAVEZ, vacating judgment and remanding case for further proceedings pursuant to recent Supreme Court ruling. (LB-J)rm
11-19-73	Appeal record (2 vols.) rec'd. from USCA. g
11-26-73	Case set for disposition as to deft. Sanchez-Chavez on 12-10-73 at 9:00 a.m. (LB-J)hm
11-26-73	Petition for writ of H.C. ad Prosequendum, as to Deft. Ruben Sanchez-Chavez, fld. v -o-
11-27-73	Order granting writ of H/C ad prosequendum, filed. (AEB-J)g writ issued.
12-10-73	Case called for disposition as to deft. Ruben Sanchez-Chavez pursuant to Supreme Court ruling. Deft. present and represented; govt. rep.by Ben F. Baker. Deft. & pltf. counsel to prepare & submit within 5 days proper order to Court in accordance with opinion of Supreme Court and USCA. Deft. to remain in custody of US Marshal in Tulsa. Bond remains at \$10,000 cash. Govt. counsel to prepare order directing Atty. Gen. to deliver deft's monies and personal belongings to U.S. Marshal in Tulsa. (LB-J)hm

(continued)

D. C. 109A
CRIMINAL DOCKET

SHEET NO. 4, Page No. 7

DATE	PROCEEDINGS
12-10-73	Order for transfer of personal property, filed. (LB-J)hm (c/c to U.S. Marshal, copies to Baker & Fraser)
12-19-73	Marshals Return on Order for Trnasfer of Personal Property, filed. Executed by mailing copy of order to U.S. Pen. v
1	12-19-73 Order, filed, that Deft.'s Mot., Ruben SANCHEZ-CHAVEZ's Mot. to Dismiss & Mot. to Suppress are sustained, and that Ct. 1 & 2 of Indictment are dismissed. (LB-J)v -copies mld to parties & delivered to USM & US Atty. w/HC ad Pros., ret. & filed: deft. Sanchez-Chavez delivered to Tulsa Cty Jail, 12-7-73. g
1-4-74	CC Order to dismiss, ret. & filed: deft. Ruben Sanchez-Chavez released from custody of Tulsa County Jail on 12-20-73. g
1-4-74	
8-25-83	EXHIBITS returned to counsel. hm

DATE	PROCEEDINGS